
ACCOUNT

O F

What pass'd most Remarkable

I N T H E

Last Session of Parliament,

C O N C E R N I N G

Dr. *Henry Sacheverell.*

ACCOUNT

What paid most Remarkable



East Indian Parliament

CONSTITUTION

Dr. Henry Zeebster





Henricus Sacheverell
D.D.

(4)

A N
IMPARTIAL
ACCOUNT

O F

What pass'd most Remarkable

I N T H E

Last Session of Parliament,

Relating to the

C A S E

O F

Dr. *Henry Sacheverell.*

Done on such another Paper and
Letter, and may therefore be
bound up with the *Tryal* of the
said Doctor,

Printed for JACOB TONSON at Grays-Inn-Gate, in
Grays-Inn-Lane. 1719.

AN
IMPARTIAL
ACCOUNT

OF
What passed most Remarkable

IN THE

Last Session of Parliament



CASE

OF

Dr. Henry Zachervell

Done on such another paper and
letter, and may therefore be
bound up with the copy of the
said Doctor

Printed for Jacob Tonson in Great Britain in
Gresham Lane 1710

December the 13th, 1709.

A Complaint being made, this Day, in the House of Commons, of Two printed Books, the one entituled, *The Communication of Sin*; A Sermon preach'd at the Assizes held at Derby, August 15, 1709; By Doctor Henry Sacheverell: And the other entituled, *The Perils of False Brethren both in Church and State*; Set forth in a Sermon preach'd before the Right Honourable the Lord-Mayor, Aldermen, and Citizens of London, at the Cathedral Church of St. Paul's, on the 5th of November, 1709; preach'd also by the said Dr. Henry Sacheverell; and both printed for Henry Clements: Which Books were deliver'd in at the Table; where several Paragraphs in the Epistle Dedicatory preceding the first-mention'd Book; and also several Paragraphs in the latter Book, were read:

Resolved,

That a Book, entituled, *The Communication of Sin*; being a Sermon preached at the Assizes held at Derby, August 15, 1709: And a Book, entituled, *The Perils of False Brethren both in Church and State*; Set forth in a Sermon preach'd before the Right Honourable the Lord-Mayor, Aldermen, and Citizens of London, at the Cathedral Church of St. Paul, on the 5th of November, 1709; are Malicious, Scandalous, and Seditious Libels; highly Reflecting upon Her Majesty and Government, the late happy Revolution, and the Protestant Succession as by Law Establish'd, and both Houses of Parliament; tending to alienate the Affections of Her Majesty's good Subjects, and to create Jealousies and Divisions among them.

Ordered,

That Dr. Henry Sacheverell, and Henry Clements, do attend at the Bar of the House to-morrow.

John Dolben, Esq; made the first Motion against the Two Sermons, and was seconded by Spencer Comper, Esq;

They were oppos'd by several Gentlemen, who said, they did not perceive there was any thing in the Sermons, Malicious, Scandalous, or Seditious; nor Reflecting on Her Majesty and Government, the late happy Revolution, and the Protestant Succession as by Law Establish'd; of which they did not observe any Mention; neither had the Paragraphs the least Relation to it. What concern'd both Houses of Parliament, was suppos'd to be the Vote pass'd four and five Years before, about the Church being in Danger: And as to that, it was affirm'd, the Church was then in Danger, was still in Danger, and, it was to be fear'd, would always be in Danger; not from Her Majesty's Administration, but from Papists on the one Hand, and Fanatics on the other; from these Her profess'd Enemies, and from *False Brethren*. It was own'd, there were some warm Expressions in the Sermon preach'd at St. Paul's: And no wonder that a true Son of the Church of England should express himself with some Warmth and Vehemence, against the Liberties that were taken, and with Impunity, to revile the Church, her Doctrines and Ministers, to blaspheme the Name of God, and to insult, and treat with Contempt, every thing that is Sacred. To this, little was return'd, besides bitter Invectives against the Sermons; and particularly, against the Doctrines of *Passive-Obedience* and *Non-Resistance*.

December 14.

THE House being inform'd, that Dr. *Henry Sacheverell* and *Henry Clements* attended, according to Order; Dr. *Sacheverell* was call'd in, and, at the Bar, was examin'd touching the Two Sermons yesterday complain'd of to the House: Where he own'd the Preaching, the Directing of the Printing, and Publishing the Sermon preach'd the 5th of *November*, 1709, at the Cathedral Church of *St. Paul*, and the Dedication of it; And also, that the Epistle Dedicatory to the Sermon preach'd at the Assizes at *Derby*, the 15th of *August*, 1709, was agreeable to that which he put to the Impression of that Sermon, which he directed to be printed and published. And being withdrawn, and a Question being propos'd, That the said Dr. *Henry Sacheverell* be Impeach'd of High Crimes and Misdemeanors, he was call'd in again, and ask'd, If he had any thing to offer to the House? When he spoke to this Effect: "Mr. Speaker, I am very sorry, I am
 "fallen under the Displeasure of this House; I did not imagine, any
 "Expressions in my Sermons were liable to such a Censure as you
 "have pass'd upon them. If you had been pleas'd to have favour'd
 "me so far, as to have heard me before you pass'd it, I hope I should
 "have explain'd myself so, as to have prevented it. And after being heard, he was directed to withdraw. Then the Question was insisted on, for Impeaching the Doctor of High Crimes and Misdemeanors. And several Gentlemen spoke against it, desiring he might rather be prosecuted by the Attorney-General; and if the Sermons were Seditious, if they did reflect on Her Majesty and Government, the happy Revolution, and the Protestant Succession as by Law Establish'd, the Doctor would be convicted, and punished for them according to his Demerits. But if (as common Fame said) the Judges, and the Queen's learned Counsel, had been consulted, and were of Opinion, the Doctor could not be punish'd for them by the ordinary Proceedings in the Courts of Law; they thought it was very Unreasonable, by an Impeachment in Parliament, to endeavour to make a Man Guilty, and a Criminal, that, by the Laws of the Land, was Innocent. However, it was

Resolved,

That the said Dr. *Henry Sacheverell* be Impeached of High Crimes and Misdemeanors.

Ordered,

That Mr. *Dolben* do go to the Lords, and, at their Bar, in the Name of all the Commons of *Great-Britain*, Impeach the said Dr. *Henry Sacheverell* of High Crimes and Misdemeanors, and acquaint the Lords, that the House will, in due time, exhibit Articles against the said *Henry Sacheverell*.

Ordered,

That a Committee be appointed to draw up Articles of Impeachment against the said Dr. *Henry Sacheverell*.

And a Committee was appointed accordingly. And they have Power to send for Persons, Papers, and Records, and to sit *de die in diem*.

Then *Henry Clements* was call'd in, and, at the Bar, was examin'd touching his Printing and Publishing the said Two Books: Which he own'd, and that he had the Copies of them from Dr. *Sacheverell*. After which, he was directed to withdraw.

Ordered,

That the said Dr. *Henry Sacheverell* be taken into the Custody of the Serjeant at Arms attending the House.

Sir

Sir *Samuel Garrard*, Bar. Lord-Mayor of the City of *London*, was in the House, in his Place: And the Speaker observing to the Doctor, that the House took Notice, he had affirm'd, in the Epistle Dedicatory to my Lord-Mayor of *London*, before the Sermon preach'd at *St. Paul's*, that he had publish'd it by his Lordship's Command, he was ask'd, Whether my Lord-Mayor did command him to publish his Sermon? To which he answer'd, "That, in the strict Sense of the Word *Command*, he did not; but in the common Acceptation of the Word, as the Desires of Superiors to their Inferiors are said to be *Commands*, he did *command* him; for he did desire and press him to print it. Then he gave a particular Account of the Conversation he had, at several times, with my Lord-Mayor, about it. Which was attended with such Circumstances, that tho' his Lordship thought fit peremptorily to deny it, yet every one that heard what the Doctor said, seem'd to give him Credit.

After this, the Two following Resolutions pass'd.

Resolved,

That the Reverend Mr. *Benjamin Hoadley*, Rector of *St. Peters Poor, London*, for having often strenuously justify'd the Principles on which Her Majesty and the Nation proceeded in the late happy Revolution, hath justly merited the Favour and Recommendation of this House.

Resolved,

That an humble Address be presented to Her Majesty, That She will be graciously pleased to bestow some Dignity in the Church on the said Mr. *Hoadley*, for his eminent Services both to Church and State.

These were propos'd by Mr. *An. Henley*, and seconded by Sir *Jos. Jekyll*. The House was in great Confusion, it being Late, and every one expecting immediately to rise. However, there were several Negatives to these Resolutions: And when they came to be consider'd, they were generally thought to be strange Resolutions, with regard to Her Majesty, who had approved a Sermon preach'd before Her by the Bishop of *Exon*, and desir'd him to print it. Against That Sermon Mr. *Hoadley* writ, and engaged in Controversy with the Bishop; in which he avow'd very Loose and Republican Principles, inconsistent with the Security of Government. Yet he is declar'd to have justly merited the Favour and Recommendation of the House; and the Queen is desir'd to bestow some Dignity in the Church on him, for these eminent Services. This Proceeding was thought so improper, so indecent to Her Majesty, that several, who were otherwise against Dr. *Sacheverell*, blamed it very freely. And it was observable, Mr. *Lechmore* took an Occasion, some time after, upon another Debate, to censure it.

December 15.

Ordered,

THAT Mr. *Dolben* (when he goes to the Lords, to Impeach Dr. *Henry Sacheverell* of High Crimes and Misdemeanors) do acquaint the Lords, That the said *Henry Sacheverell* is in Custody of the Serjeant at Arms attending the House, ready to be deliver'd to the Gentleman-Usher of the Black-Rod, when the Lords shall please to give Order therein.

Mr. *Dolben* reported to the House, That he had, pursuant to their Order, been at the Lords; and, at their Bar, had Impeach'd Dr. *Henry Sacheverell* of High Crimes and Misdemeanors; and had also acquainted the Lords with their other Order.

December

December 17.

A Petition of *Henry Sacheverell*, D. D. in Custody of the Serjeant at Arms attending the House, was presented to the House, and read; praying, that the House will be pleased to order him to be admitted to Bail, that he may have an Opportunity of making his Defence, being inform'd that he is Impeach'd at the Bar of the House of Lords, for High Crimes and Misdemeanors.

Ordered,

That a Committee be appointed to search Precedents concerning the taking Bail in Cases of Persons committed for High Crimes and Misdemeanors; and that they do make their Report thereof to the House upon *Monday Morning* next.

Ordered,

That it be referr'd to the Committee who are to draw up the Articles of Impeachment against *Dr. Henry Sacheverell*, to search Precedents, and make Report thereof to the House.

There was some Debate before the House order'd a Committee.

December 19.

MR. *Dolben* acquainted the House, That the Committee who were upon *Saturday* last appointed to search Precedents concerning the taking Bail in Cases of Persons committed for High Crimes and Misdemeanors, and to report the same to the House this Day, had made all the Progress they could in so short a Time; but that they found, it requir'd more Time, and had directed him to move, That they may have farther Time to make their Report.

Ordered,

That the said Committee do search the Lords Journals, in relation to the Proceedings upon Impeachments by the Commons, and make their Report thereof to the House, with all convenient Speed.

Ordered,

That all Committees be adjourn'd, except the Committee who are appointed to draw up the Articles of Impeachment against *Dr. Henry Sacheverell*; and who are to search the Lords Journals in relation to the Proceedings upon Impeachments by the Commons.

December 22.

MR. *Dolben* reported from the Committee appointed to search Precedents concerning the taking Bail in Cases of Persons committed for High Crimes and Misdemeanors, and to search the Lords Journals in relation to the Proceedings upon Impeachments by the Commons, and to make their Report to the House, That they had searched Precedents, and the Lords Journals, accordingly; and had directed him to report what Precedents they had found; which he read in his Place, and afterwards deliver'd in at the Table, where the same were read.

And a Motion being made, and the Question being put, That *Dr. Henry Sacheverell* be admitted to Bail, according to the Prayer of his Petition, it passed in the Negative.

Yeas 79. No's 114.

In

In the Debates on this Matter, there was a great Variety of Opinions: Some thought, the Commons might bail a Person committed by them; but not in this Case: Others, that it was discretionary in them, whether they would bail, or not; and that this Person deserved it not from them; and one, that the Commons could never bail in any Case. Others insisted, in favour of Liberty, that if they could bail, they ought to bail; and that they could bail, argu'd from the Equity and Reasonableness of the Thing, that those who could commit, might bail: They shewed Precedents in the Case of Mr. *Seymour* and the Smugglers, impeach'd for High Crimes and Misdemeanors; in one of which, the Persons impeach'd and committed by the House of Commons, was admitted to Bail; in the other, the Commons, upon their Petition, consented to bail them; and they had been bailed, but their Sureties made Objections to the Condition of their Bonds, and would not submit to it. Besides, it was urged, that this Case was in itself bailable, and so agreed by all Gentlemen; and that the Dr's Hardship might be the greater, because it was probable, if the Commons did not bail him, he must lie in Custody, when bailable by Law, till after the Recess of Parliament: For the Articles not being exhibited to the Lords against him, it was thought, the Lords would not take him out of the Custody of the Commons, and commit him upon a General Charge; and till they committed him, they could not bail him. This was his Case; for upon Application to the Lords, they refused to commit him, till the Commons had exhibited their Articles: The Lords said, The Commons might never exhibit any; and they would not do so unreasonable a Thing, as to commit any one, on a General Charge. And so he lay a Prisoner by the Commitment of the House of Commons, in a Case bailable by Law, and for which there were Precedents for the Commons admitting to Bail, from Dec. 14. to Jan. 12. It is fitting to observe, That some urged, against the Bailing the Doctor, one Part of the Message deliver'd by Mr. *Dolben* to the Lords, when he impeach'd him at their Bar, 'that the Doctor was in Custody of the Serjeant at Arms attending the House, ready to be deliver'd to the Gentleman-Usher of the Black-Rod, when the Lords should please to give Order therein: But others, that agreed with them against admitting him to Bail, approved of Expedients to get off that, and did not think it reasonable to preclude him from it by their own Message.

I have heard, there was one Thing in the Debates gave some Diversion to the House. An Honourable Member declaring himself against bailing Dr. *Sacheverell*, said, He would put them in Mind of the Case of Mr. *Thompson*. He was a Parson too; he was Impeach'd by the Commons for High Crimes and Misdemeanors; he was bailed by them; he afterwards ran beyond Sea, turned Priest, and so evaded their Justice; and, he believed, this Fellow (*as he was pleased to call him*) would do so too. To this, another Gentleman answer'd, He believ'd the Noble Lord was as much mistaken in his Conclusion, as he was in his Premises. He did not believe the Doctor would run away, if he was bailed. And as to the Precedent of Mr. *Thompson*, the Noble Lord was mistaken in every Part of it, except that he was a Parson; for he was not bailed by the Commons, he did not run beyond Sea, and turn'd Priest, and so evaded their Justice. The Parliament that impeach'd him was soon after dissolved; he was made Dean of *Bristol*, and lived and died so.

January 9.

MR. *Dolben* reported from the Committee appointed to draw up Articles of Impeachment against Dr. *Henry Sacheverell*, That they had drawn up Articles accordingly, which they had directed him to report to the House : And he read them in his Place, and afterwards deliver'd them in at the Table, where they were read.

It was then propos'd, that it being impossible the Members could make their Observations on the Articles in such Readings, and the Honour of the House being concerned to have them such as might be justified, a little Time should be allowed, before they were read the second time, to consider them ; and to convince others, they intended not Delay by it, they only asked till *Wednesday*. This was order'd ; but then it was moved, that no Copies might be taken of the Articles, because it was not proper they should be made Publick in the Coffee-Houses, nor shew'd to the Doctor, before they were agreed to, and carried up to the Lords. On the other Hand, it was urged, This was precluding Members of their Right, by unreasonable Suppositions ; that they had a Right to take Copies of any Papers before the House, for their Information ; and it was not to be imagin'd, they would publish the Articles in Coffee-Houses, or shew them to the Doctor. And, what if they did shew them to him ? Were they to be kept a Secret from him ! Would he not have a Copy of the Articles order'd him by the Lords, as soon as they were carried to them ? And, what Advantage would it be to him, or Disadvantage to the Commons, to see them sooner ? But, if Copies were not to be taken of the Articles, it was no Favour, no Benefit to put off the Consideration of them ; it had an Appearance of doing what was fair and reasonable, but would, in Truth, be doing nothing ; for without taking Copies of them, they could not be consider'd. And it having been said, by one Gentleman, That this was an Extraordinary Thing, and what had never been done before ; another reply'd, He thought it Extraordinary, but could not agree, it had never been done before ; he remember'd the like, when Sir *J. Fenwick's* Confessions had been read in the House of Commons ; they were order'd to be sealed up by the Speaker, that no Copies might be taken of them. He did not approve that Precedent so well as to follow it ; he wish'd Copies had been taken of those Papers, and that they had been printed ; he believ'd, the Kingdom would have been the better for them, at this Day.

After these Debates, this Motion was waved.

January 11.

THE Order of the Day being read, for the Reading a second time the Report from the Committee to whom it was referr'd to draw up Articles of Impeachment against Dr. *Henry Sacheverell* ;

Ordered,

That the Report be read Paragraph by Paragraph.

Then the first Paragraph (being the Preamble to the Articles) being read, and a Motion being made, and the Question being put, that the Report be recommitted, it passed in the Negative.

Yeas 131. *No's* 232.

Ordered,

That Candles be brought in ; And Candles were brought in accordingly.

Resolved,

Resolved,

That the House doth agree to the said first Paragraph.

Then the Articles being severally read, one by one, were (upon the Question severally put thereupon) agreed unto by the House, to be the Articles to be exhibited against the said Dr. *Henry Sacheverell*.

Then the last Paragraph being read, the same was also agreed unto by the House.

Ordered,

That the Articles be Engrossed.

There were great Debates in relation to the Recommitting the Articles of Impeachment. In which, great Mistakes were shewn in the Preamble to the Articles, the Recitals partial, and wrong Inferences drawn from them. And the Articles were said to be so loose and uncertain, it was impossible any one could plead to them; and it was pressed, that those who drew them up, would let the House know, on what Paragraphs in the Sermons they were grounded. To this was answer'd, That was too Early, when they only had the Preamble under Consideration; when the Articles were read, they would produce the Passages in the Sermons. But then, tho' the Passages were desir'd, they called for the Question, and never perform'd what they had promis'd.

January 12.

THE Engrossed Articles of Impeachment against Dr. *Henry Sacheverell*, were read.

Ordered,

That the said Articles be carried to the Lords, by Mr. *Dolben*.

At this time, there was no Debate nor Division upon the Articles, only a loud Negative to the Question of carrying them up to the Lords. Gentlemen saw how hardly they had been treated the Day before by the Majority, and, therefore, contented themselves with shewing their Dislike of these Proceedings, in this Manner.

Mr. *Dolben* carried these Articles to the Lords, who read them the first time, and took Dr. *Sacheverell* into the Custody of the Black-Rod.

January 13.

THE Serjeant at Arms acquainted the House, that, in pursuance of their Order of the 15th of *December* last, he did, yesterday, deliver Dr. *Henry Sacheverell* to the Deputy of the Gentleman-Usher of the Black-Rod; and had taken a Discharge for him.

Dr. *Sacheverell* petition'd the Lords to be bailed. Their Lordships order'd a Committee to enquire into the Validity of his Bail. Council is allow'd him, and a Copy of the Articles.

January 14.

DR. *Sacheverell* is order'd to give in his Answer to the Articles next *Wednesday*. The Lords accepted of Dr. *Lancaster* Vice-Chancellor of *Oxon*, and Dr. *Bowes*, for his Bail. And accordingly, he was bailed, himself in a Recognizance of 6000 *l.* and his Sureties each in 3000 *l.*

Serjeant *Prat*, Sir *Symon Harcourt*, Mr. *Raymond*, and Mr. *Phipps*, are allowed, by the Lords, to be Counsel for Dr. *Sacheverell*: And Mr. *Huggins* to be his Solicitor.

January

January 16.

DR. *Sacheverell*, upon his Petition, has farther Time given him, to put in his Answer.

January 25.

DR. *Henry Sacheverell* attended the House of Lords, and deliver'd in his Answer to the Articles of Impeachment against him ; which was read. And being ask'd, Whether or no he would abide by it ? He answer'd in the Affirmative. And then the Doctor was order'd to withdraw. Their Lordships sent his Answer down to the Commons.

A Message from the Lords, by Mr. *Rogers* and Mr. *Hiccocks*, That they were commanded to acquaint the House of Commons, that Dr. *Henry Sacheverell* hath put in his Answer to the Articles of Impeachment, sent from the House of Commons against him ; which their Lordships communicate to the House, and desire that the said Original Answer may be return'd with convenient Speed.

Ordered,

That the said Answer of Dr. *Henry Sacheverell*, now sent from the Lords, be read to-morrow Morning.

January 26.

THE Answer of Dr. *Henry Sacheverell*, sent from the Lords yesterday, was, according to Order, read, and

Ordered,

That the Answer of Dr. *Henry Sacheverell*, sent from the Lords yesterday, be referr'd to the Committee who were appointed to draw up Articles of Impeachment, which were exhibited by the Commons to the Lords, against Dr. *Henry Sacheverell*, for High Crimes and Misdemeanors ; and that they do consider thereof, and report their Opinion, what is most proper to be done towards the farther Proceedings thereon. And they have Power to send for Persons, Papers, and Records. And they are to meet at such Times and Places as they shall think fit.

February 2.

MR. *Dolben* reported from the Committee to whom the Answer of Dr. *Henry Sacheverell* was referr'd to consider of the said Answer, and report their Opinion, what is most proper to be done towards the farther Proceedings thereon, That they had consider'd the same, and that they do find there are contained therein many Things not warranted by the Course of Proceedings upon Impeachments, foreign to the Charge, unbecoming a Person impeach'd, and plainly design'd to reflect upon the Honour of the House ; and do humbly submit to the Judgment of the House their Opinion, That, for avoiding any Imputation of Delay to the Commons in a Case of so great Importance, a Replication be forthwith sent up to the Lords, maintaining the Charge of the Commons ; and the Committee have accordingly prepared the same ; which they had directed him to report to the House ; and he read the same in his Place, and afterwards deliver'd the Report in at the Table, where the same was read. And the Replication being read a second time,

Resolved,

Resolved,

That the said Replication be the Replication of the Commons to the Answer of Dr. *Henry Sacheverell*.

Ordered,

That the Replication be Engrossed.

There were Debates in relation to the engrossing of the Replication; when the Committee were desir'd to shew, what there was in Dr. *Sacheverell's* Answer, *not warranted by the Course of Proceedings upon Impeachments, foreign to the Charge, unbecoming a Person impeach'd, and plainly design'd to reflect on the Honour of the House.* The entering into these Particulars was declined; for which reason, and because the Answer appear'd Full and Satisfactory, there was a Division upon engrossing the Replication, in which the *Yeas* were 182, the *No's* 88.

February 3.

THE engrossed Replication of the Commons to the Answer of Dr. *Henry Sacheverell* was read.

Ordered,

That the said Replication be sent to the Lords.

Ordered,

That the Original Answer be return'd to the Lords.

Ordered,

That Mr. *Dolben* do carry the Original Answer of Dr. *Henry Sacheverell*, and the Replication thereunto, to the Lords.

February 4.

A Message from the Lords by Sir *Richard Holford* and Mr. *Gery*, That they were commanded to acquaint the House of Commons, that their Lordships have appointed *Thursday* next, at Seven of the Clock in the Morning, for the Tryal of *Henry Sacheverell*, Doctor in Divinity, at the Bar of their House; and that their Lordships will take Care, that there will be Conveniencies made there for the Managers of the House, at the Tryal, upon the Impeachment against him.

Resolved,

That the Managers be appointed to make good the Articles of Impeachment against Dr. *Henry Sacheverell*.

Ordered,

That the Committee to whom it was referred to draw up the said Articles, be the said Managers.

Resolved,

That this House will be present at the Tryal of the Impeachment against Dr. *Henry Sacheverell*, as a Committee of the whole House.

Ordered,

That a Message be sent to the Lords, to acquaint them with the said Resolution, and to desire that a convenient Accommodation may be prepar'd for them. And,

Ordered,

That Mr. *Bromley* (who moved this Matter) do carry the said Message to the Lords.

The House divided on this Question, *Yeas* 192, *No's* 180.

There was a long Debate upon this Message ; in which the several Precedents of the Cases of the Earl of *Strafford*, and the Lord Viscount *Stafford*, were cited, whose Tryals were in the Court prepared in *Westminster-Hall* : And the Case of the *French Smugglers*, impeach'd 1698, for High Crimes and Misdemeanors, when there were Conferences, and free Conferences, between the Two Houses, about a convenient Accommodation for the Commons to be present at their Tryal ; which the Lords agreed to, being convinced by the Reasons of the Commons. It was said, that the first regular Tryal upon an Impeachment in Parliament, in the present Method, was the Tryal of the Earl of *Strafford* ; and the Commons declared and insisted, *they had a Right to be present at the Tryal, as an House, or a Committee of the whole House, as they thought fit ; and that they held it necessary and fit, that all the Members of the House should be present at the Tryal, to the end every one might satisfy his own Conscience, in the giving his Vote to demand Judgment.* In the Case of the Lord Viscount *Stafford*, the like Accommodation was never disputed ; but in that of the *Smugglers* it was ; and the Lords would have distinguish'd betwixt an Impeachment for High Crimes and Misdemeanors, and for High Treason. Which the Commons answer'd, shewing, That the different Nature of those Crimes related only to the Punishment, and did not alter and change the Nature of the Court. And by the Strength of this and other Arguments, which may be seen in the Reports of the Conferences and free Conferences entred on their Journals, they did, at last, prevail.

February 6.

A Message from the Lords by Mr. *Gery* and Mr. *Hiccocks*, That the Lords had commanded them to acquaint the House, that their Lordships have ordered the Lords with White Staves, humbly to move Her Majesty from their House, that She will be pleased to give Order for a Place to be prepared in *Westminster-Hall*, for their Lordships to proceed upon the Tryal of *Henry Sacheverell*, Doctor in Divinity, who now stands impeach'd before their House.

February 7.

THE Lords receiv'd a Message from Her Majesty, That Her Majesty would give Order for a Place to be prepared in *Westminster-Hall*, for their Lordships to proceed upon the Tryal of *Henry Sacheverell*, Doctor in Divinity, who now stands impeach'd before their House.

February 8.

A Message from the Lords by Mr. *Medlycot* and Mr. *Fellows*, That they were commanded by the Lords to acquaint the House, that Her Majesty hath given Order, that a Court be prepared in *Westminster-Hall*, for the Tryal of Dr. *Henry Sacheverell* ; which will take up some Time ; and that, therefore, the Tryal cannot be at the Time appointed, but that as soon as the Place is prepared, the House shall have Notice of the Day of Tryal.

February

February 10.

Ordered,
That the Managers appointed to make good the Articles of Impeachment against Dr. *Henry Sacheverell*, have Power to send for Persons, Papers, and Records.

Ordered,
 That Mr. *William Borret* be appointed Solicitor to the said Managers, for prosecuting the said Impeachment.

February 15.

Serjeant *Prat*, and Mr. *Raymond*, having declined being Counsel for Dr. *Henry Sacheverell*, the Lords, upon his Petition, assign'd him Mr. *Dee*, Mr. *Dod*, and Dr. *Henchman*, for his Counsel ; as also, Sir *Simon Harcourt*, and Mr. *Phipps*, before allowed by their Lordships ; and Mr. *Huggins* his Solicitor.

February 18.

THE Lords appointed *Monday* come Sevensnight for the Tryal of Dr. *Henry Sacheverell*.

The Tryal, accordingly, began on *Monday* the 27th of *February*. Which Day, and the following Days, a great Concourse of People attended Dr. *Sacheverell* from his Lodgings at the *Temple*, to *Westminster*, and at his Return, with great Acclamations and Shouts of *God bless the Queen*, *God preserve the Church of England*, and Dr. *Sacheverell* ; with some Imprecations on the *Whigs* and *Dissenters*, whom they called the *Doctor's Enemies* ; stopping also Persons in their Coaches and Chairs in the Streets, to pull off their Hats to the *Doctor* ; to examine them, whether they were for him ; and to make them cry, *God bless him*. After this, follow'd great Tumults and Disorders every Evening, pulling down Meeting-houses, and threatning a certain Prelate's House, (as he inform'd the Lords) calling him the Presbyterian B----p. A Complaint was made in the House of Commons of these Riots. And,

March 2.

Resolved,
That an humble Address be presented to her Majesty, That she will be graciously pleased to take effectual Measures to Suppress the present Tumults, set on foot and fomented by Papists, Non-Jurors, and other Enemies to her Majesty's Title and Government ; and to Issue her Royal Proclamation, promising a Reward to such as shall discover and seize those Incendiaries, as have been the Occasions of the late Tumults and Disorders.

No Member, in the least, justify'd these Tumults ; and all professed a Readiness to concur in an Address for the suppressing them ; but desired the Address might be so framed, in such general Words, that it might pass unanimously. They excepted to those Words, *Set on foot and fomented by Papists, Non-Jurors, and other Enemies to her Majesty's Title and Government* ; because it did not appear, any Papists or Non-Jurors were concerned in them, and there was no Reason to believe they were ; but if they would be particular, it was moved *Republicans* might be added ; because it was certain, there were such Persons ; and as certain, that,
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by their Principles, they would lay hold on any Opportunity, and join with any People, to disturb the Peace and Quiet of the Government; for they hoped to fish in troubled Waters.

There was a Debate upon adding that Word; in which, a certain Gentleman argued against it, *because it was not to be imagin'd, they would be for pulling down their own Meeting-houses.* A plain Concession, that the Dissenters were Republicans; for which his Party blam'd him.

The House divided upon the Word *Republicans*, Yeas 114, No's 279.

The same Day, Mr. Secretary Boyle reported to the House, That he had attended her Majesty with their Address. To which her Majesty had been pleas'd to give this very gracious Answer.

HER Majesty is extremely sensible of the great Care and Concern of the House of Commons, for the Publick Peace, upon this Occasion; and as Her Majesty has a just Resentment at these Tumultuous and Violent Proceedings; so She will take immediate Care for suppressing them; and will lose no Time in endeavouring to find out the Authors and Abettors, in order to bring them to Punishment: And to that Purpose, will cause a Proclamation to be publish'd, according to the Desire of this House.

Resolved, Nemine Contradicente,

That the humble Thanks of this House be return'd to her Majesty, for her most gracious Answer to their said Address.

Ordered, Nemine Contradicente,

That a Committee be appointed to draw up an Address upon the said Resolution.

And a Committee was appointed accordingly.

And they were ordered immediately to withdraw into the Speaker's Chamber, to draw up the said Address.

March 3.

Sir Thomas Parker reported the Address, which was as follows.

The humble ADDRESS of the House of Commons to the
QUEEN.

Most Gracious Sovereign,

WE your Majesty's most dutiful and loyal Subjects, the Commons of Great-Britain, in Parliament assembled, out of a deep Sense of the repeated Instances of your Majesty's unparallel'd Goodness, beg Leave to return our most hearty Thanks for your most gracious Answer to our late humble Address, and for your effectual Care in suppressing those rebellious Tumults, which were set on Foot and fomented by Papists, Non-Jurors, and other Enemies to your Majesty's Title and Government, in Desiance of the just Prosecution of the Commons against Dr. Henry Sacheverell.

And we must humbly beseech your Majesty to believe, that as this Prosecution proceeded only from the indispensable Obligation which we, your faithful Commons, looked upon ourselves to lie under, not to sit still and patiently see the Justice of the late happy Revolution, and the Glory of our late Royal Deliverer reflected upon, your Majesty's undoubted Title struck at, your Administration, by which so many Blessings are derived upon us, endeavour'd to be render'd odious to the People, and represented as Destructive of the Church and Constitution, the present Establishment and Protestant Succession undermin'd, the Resolutions of Parliament treated with Contempt, the Governors of the Church,

Church, and your Majesty as Supreme, aspersed and vilified, the Toleration exposed as Wicked, and Sedition insolently invading the Pulpit.

So the Maintenance of your Majesty's Right, the Safety of your Person, the Quiet of your Government, the Continuance of our Happiness under your excellent Administration, the Succession in the Protestant Line, the Support and Honour of the Church of England as establish'd by Law, with that Toleration which is by Act of Parliament allowed to Protestant Dissenters, shall be our constant Care and Concern: And we will, upon all Occasions, venture all that is dear to us, in Defence of such inestimable Blessings.

Great Exceptions were taken to the Address; and it was moved, That it might be Recommitted, because the Committee had exceeded their Commission, which was only to return her Majesty Thanks for her most Gracious Answer; but they had taken upon them in this Address, to state the whole Matter of the Impeachment, and to give their Opinions upon it; which was not only Irregular, contrary to the Orders of the House, but prejudging a Case then depending before another Judicature. And in the last Paragraph, there was a Promise, to venture all that was dear to them, in Defence of the *Toleration*, as well as of the *Church of England*. This was said to be putting them upon a Level, upon an equal Foot, which as many Gentlemen could not think proper, and never intended, so it was not true; for tho' they should be always willing to maintain the *Toleration*, yet they would not venture so much for that, as for the *Church of England*. But all these Exceptions were over-ruled; and tho' the Address was drawn up manifestly contrary to the Rules and Orders of the House, yet the Majority agreed to it, as it was reported.

The Tryal proceeded, and the Lords gave their Votes *seriatim*, *Whether Dr. Henry Sacheverell was guilty of High Crimes and Misdemeanors, charged upon him by the Impeachment of the House of Commons?* And a Majority voted him Guilty.

March 21.

Resolved,

That the Thanks of this House be given to the Members who were appointed the Managers of the Impeachment against Dr. Henry Sacheverell, for their faithful Management, in the Discharge of the Trust reposed in them.

And Mr. Speaker gave them (they standing up in their Places) the Thanks of the House accordingly.

There was no Precedent pretended for this, besides the giving the Thanks of the House to the Attorney-General, Sir Heneage Finch, (afterwards Lord-Chancellor, and Earl of Nottingham) and the Motion was farther supported by some Encomiums on the Managers Performances. This Matter was opposed by several Gentlemen, who shew'd a wide Difference betwixt this Case and that of my Lord-Chancellor Nottingham, who had the Thanks of the House for maintaining their Rights and Privileges at a Conference between the Two Houses, in 1671, concerning the Commons sole Right of giving Money; which was the more Remarkable, because he was, at first, of Opinion, That in the particular Point then in Controversy, the Commons were in the Wrong. But the House having determin'd against his Opinion, and appointed him to be a Manager at the Conferences, he apply'd himself to the searching the Records; and with indefatigable Labour and Study, discover'd such Precedents, and so strenuously supported the Commons Right, that the

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Commons thought it proper to make him that honourable Acknowledgment. It was also urged, That there were Managers upon former Tryals, that had not the Thanks of the House ; And tho' these Gentlemen might have done their best in the Discharge of the Service the House requir'd from them, yet they deserved not such Distinction. Many declared, the Managers did not speak their Sense, and that they could not approve what they had advanced, particularly, in justifying *Resistance*, and declaring against *Passive-Obedience* and *Non-Resistance*, which was the Doctrine of the Gospel, and of the Church of *England*, and unalterably establish'd by the Union of the two Kingdoms ; and some of them denied the Queen's Hereditary Right, affirming that she had only a Parliamentary Right ; and that as to the Hereditary Right, the Pretender had a much better Title to the Throne. That in these Instances, they exceeded their Commission, which could not be understood to allow them in any thing more, than speaking in Defence of the Resistance at the Revolution, much less to meddle with the Queen's Title, which gave Offence to many that heard them.

Another Reason against giving them Thanks, was, because of their railing and reviling Language to the Doctor, unbecoming any Counsel in a Criminal Prosecution, and much unbecoming Managers of the House of Commons. In which it was hard to say, whether they shew'd more Bitterness or Inconsistency.

And because of their giving up the Honour of the House, in suffering of Mr. *Dolben* to explain himself, when the Lords requir'd it. In which Case, he should not have complied, without consulting the House, and taking their Directions.

And one Gentleman spoke to this effect, just before the Question ; That tho' he was against giving them the Thanks of the House, yet he could not forbear mentioning one Reason for it, that had been omitted by others, but was, in his Opinion, stronger than any they offer'd ; and that was, because he was sure they would have Thanks no where else.

There was a Division of the House, the *Yeas* were 175, *No's* 116. And it was observable, that in this Question, all the Managers present in the House (except Mr. *Dolben*, whose singular Modesty was the more remarkable) voted for their having Thanks.

March 22.

A Message from the Lords by Mr. *Rogers* and Mr. *Hiccocks*, That the Lords had commanded them to acquaint this House, that their Lordships are now ready to give Judgment against Dr. *Henry Sacheverell*, if this House, with their Speaker, will come and demand the same.

Resolved,

That this House will demand Judgment of the Lords against Dr. *Henry Sacheverell*.

Some Gentlemen spoke against demanding Judgment, laying down these Positions.

That the Lords could not give Judgment, unless the Commons demanded it : And that the Commons were at Liberty, whether they would demand it or not, according to the Reason given by the Commons, when they insisted to be present at the Tryal of the Earl of *Strafford*, as a Committee of the whole House, *That they held it fit and necessary, that all the Members should be present at the Tryal, to the end every one might satisfy his own Conscience, in the giving his Vote to demand Judgment.* And when that Tryal was over, no Judgment was demanded. In the present Case, they were against demanding Judgment, because of the
Precedent

Precedent of this Proceeding, which might be very dangerous to innocent Men hereafter ; for none could be safe, if meer Innuendo's, the most forced and strain'd Constructions, and Passages misapply'd, should be admitted for Evidence. They thought, the Lords had made dangerous Precedents, in taking upon them to declare the Law and Usage of Parliament, without one Precedent for it ; and directly contrary to many ; for the Case of Dr. *Manwaring* could not be a Precedent, he submitting and pleading Guilty. The Lords also put the Question of *Guilty* upon all the Articles together, which is such a complicated Question, they could not give their Votes freely. And it was said to be a Reason, why some of them did not vote. And the Lords, who are both Jury and Judges, were not under the Obligation of an Oath, or upon their Honour. To these Reasons, one other was added, That it would be a great Reflexion on this Parliament, to have, in the same Session, one of the Ministers of the Church of *England* suffer'd to lie in Prison without Relief, upon his Complaint, for reading her Prayers ; and to have another punish'd for preaching her Doctrines.

These Arguments were urged against demanding Judgment, by those Gentlemen that opposed the Prosecution in every Step of it ; but some of those that had been forward in it, were now against demanding Judgment, out of great Displeasure and Indignation at the Judgment they heard was to be given ; which they call'd a Scandalous, Ridiculous Judgment, and a Reflexion upon the Proceeding ; and therefore they were against demanding Judgment. And it is said, several of those Gentlemen withdrew, and would not vote in this Question. The House divided upon it ; the *Yeas* were 165, *No's* 117.

March 23.

Then the Commons, with their Speaker, went up to the Bar of the House of Lords, and, by their Speaker, demanded Judgment against Dr. *Henry Sacheverell*. And being return'd, Mr. Speaker reported, That he had, in the Name of the Knights, Citizens, and Burgeesses, in Parliament assembled, and of all the Commons of *Great-Britain*, demanded Judgment of the Lords against Dr. *Henry Sacheverell*, for High Crimes and Misdemeanors, for which he was Impeach'd.

The Judgment was,

That Henry Sacheverell, Doctor in Divinity, shall be, and is hereby enjoined not to preach during the Term of three Years next ensuing. That Dr. Henry Sacheverell's Two printed Sermons, referr'd to by the Impeachment of the House of Commons, shall be burnt before the Royal-Exchange, in London, between the Hours of One and Two of the Clock, on the 27th of this Instant March, by the Hands of the Common Hangman, in the Presence of the Lord-Mayor, and the Two Sheriffs of London and Middlesex.

Thus ended this mighty Prosecution ; to which, I hope, without Offence, may be apply'd, *Parturiunt Montes, &c.*

Whatever good Intention the Commons might have in the bringing it on, it is plain, from the Lords Judgment, that if it had not been out of Respect to such Prosecutors, no Sentence, no Punishment had been inflicted, but the Doctor would have been acquitted.

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This Prosecution gave great Satisfaction to the *W---s* in general, to the *Deists*, *Atheists*, and to some among the *Dissenters*; (the *Wiser* among them disliking it from the Beginning, especially their Teachers, who are used to take greater Liberties in their Pulpits, than the *Divines* of the Church of *England*) it was very acceptable to those that had no Religion, or that were Enemies to the Church of *England*; they concluding, this was a good Handle either to bring all Religion into Contempt, or to injure the Establish'd. But it pleased God, who has promis'd, that even the *Gates of Hell should not prevail against his Church*, to disappoint the Designs these *Achitophels* had projected; and to shew those that boasted of their Numbers, or that doubted it before, that the Strength of the Nation, among the Nobility, Gentry, and Commonalty, was heartily for our happy Establishment both in Church and State; and that whatever Arts had been used to divide them, and create groundless Jealousies and Fears, of late Years, among them; yet whenever the Rights of the Crown, the Doctrines of our holy Religion, and of the Church of *England*, were attack'd, they would unite for their Maintenance, Support and Defence. There was such a Zeal shewn on this Occasion, and this Matter took such a different Turn from what was expected, that every one wish'd the Prosecution had never been begun; many condemning it; some even of the *Man---rs* declaring, *They would never be concern'd in roasting a Parson again*; And what was most strange, every one disclaiming the bringing this into Parliament. Which puts me in mind of what a noble Historian says of the great and sudden Change was in this Kingdom upon Sir *J. Greenville's* bringing Letters from King *Charles II.* to the Two Houses of Parliament, to the Lord-Mayor, and to the Army and Fleet: "From this time, says he, there was such an Emulation and Impatience in Lords and Commons, and City, and generally over the Kingdom, who should make the most lively Expressions of their Duty, and of their Joy, that a Man could not but wonder where those People dwelt, who had done all the Mischief, and kept the King so many Years from enjoying the Comfort and Support of such excellent Subjects."

May it always happen thus! May the same good Providence ever watch over us, to save and deliver the Church and Monarchy from the Hands of their Enemies! May it abate their Pride, assuage their Malice, and not only confound, but make them ashamed of their Devices!

Lately printed in *Folio*, and may therefore be bound with the *Tryal*,

THE Names of the Right Honourable Peers, who protested against Some Proceedings in the Case of Dr. Henry Sacheverell: Together with their Lordships Reasons for such their Protestation.

